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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GARY DIAZ,

Plaintiff,

v.

NATIONAL DEFAULT SERVICING
CORP.,

Defendant.

2:11-CV-1208 JCM (CWH)

ORDER

Presently before the court is defendant National Default Servicing Corp.'s motion to expunge *lis pendens*. (Doc. # 32). Though the deadline has passed, plaintiff has not filed a response.

This case involved claims of constitutional violations, violations of the Real Estate Settlement Procedures Act, violations of the Truth in Lending Act, violations of banking regulations, and violations of the Uniform Commercial Code, by *pro se* plaintiff Gary Diaz against defendant National Default Servicing Corp. On February 6, 2014, the court entered judgment in favor of defendant. (Doc. # 30). Defendant now moves for the court to expunge the *lis pendens* affecting the property at issue in this case.

Nev. Rev. Stat. 14.015(3) provides that a party who records a notice of *lis pendens* must establish to the satisfaction of the court either:

(a) That the party who recorded the notice is likely to prevail in the action; or


1 (b) That the party who recorded the notice has a fair chance of
2 success on the merits in the action and the injury described in
3 paragraph (d) of subsection 2 would be sufficiently serious that the
4 hardship on him or her in the event of a transfer would be greater than
5 the hardship on the defendant resulting from the notice of pendency.
6 ...

7 Because the court entered final judgment in favor of defendant, plaintiff has no likelihood of
8 success on the merits of his claims. Thus, defendant's motion will be granted.

9 Accordingly,

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to
11 expunge lis pendens (doc. # 32) be, and the same hereby is, GRANTED.

12 DATED April 21, 2014.

13 
14 UNITED STATES DISTRICT JUDGE